

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DEC 17 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL EDWARD CHOVAN,

Defendant - Appellant.

No. 11-50107

D.C. No. 3:10-cr-01805-JAH-1
Southern District of California,
San Diego

ORDER

Before: PREGERSON, HAWKINS, and BEA, Circuit Judges.

A sua sponte en banc call having been made by the panel, the parties are instructed to file simultaneous briefs setting forth their respective positions on whether the case should be reheard en banc within 21 days of the filing date of this order. *See* G.O. 5.4c(3). An original and fifty copies should be filed. *See* Ninth Cir. R. 35-4(b).